

April 14, 2004

WILLIAM BIERY  
814 COOPER POINT LOOP SW  
OLYMPIA WA 98325

Subject: Complaint Filed Against Pat Rodgers - PDC Case No. 04-284

Dear Mr. Biery:

The Public Disclosure Commission staff has completed its investigation of your complaint filed on October 16, 2003, alleging that Pat Rodgers, candidate for Jefferson County Commissioner, position 3, produced and distributed a political advertisement that did not contain complete information on who paid for its printing and distribution, in violation of RCW 42.17.510.

The PDC staff reviewed your allegations in light of the following statute and administrative rule:

**RCW 42.17.510(1)**, states that all written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address.

**WAC 390-18-010(4)** states that all printed advertising shall clearly state that it has been paid for by the sponsor, and includes an example stating, "Paid for by the XYZ Committee" with complete mailing address.

We found:

- On October 8, 2003, the Port Townsend and Jefferson County Leader contained a political advertisement from the Committee to Elect Pat Rodgers. The advertisement contained the following sponsor identification, "Committee to Elect Pat Rodgers (R), 98325-0062, " and did not contain the words "paid for by" or "sponsored by", or complete mailing address.
- On October 21, 2003, PDC staff informed Mr. Rodgers that a warning letter concerning his political advertising referenced in the formal complaint was forthcoming. After receiving the complaint, Mr. Rodgers failed to update a postcard printed on October 8<sup>th</sup>, and mailed on October 29, 2003, with the words "paid for" or "sponsored by", along with a complete mailing address. The postcard contained: "Committee to Elect Pat Rodgers, (R), 98325-0062, " and was sent to 5,384 households in Jefferson County.

- In the response to the complaint, Mr. Rodgers provided a copy of a newspaper article in the Port Townsend and Jefferson County Leader, from March of 2002, as proof that he had previously consulted with PDC staff concerning content and location of sponsor identification. The article, written by Philip Watness, described a birthday card that Mr. Rodgers sent out in early 2002, for which PDC staff reportedly recommended to include sponsor identification on the first page of advertisements, and to increase the font size to 10-point type. The article described that Mr. Rodgers provided the committee name, the Committee to Elect Pat Rodgers, *“in addition to the campaign headquarters’ mailing address,”* for which the article did not describe what information was included in the mailing address. In addition, Mr. Rodgers provided a copy of a postcard addressed solely to ‘98325-0062,’ his campaign headquarters’ zip code plus four, as proof of his belief that his campaign’s zip code would result in a successful delivery by the US Postal Service.
- In accordance with Commission practice, on November 3, 2003, Mr. Rodgers was cautioned to include proper sponsor identification in future political advertising. On November 4, 2003, Mr. Rodgers updated his campaign web site and provided the proper sponsor identification of “Paid for by the Committee to Elect Pat Rodgers R, PO Box 62, Chimacum, WA 98325.” Mr. Rodgers stated that he did not distribute any advertisements after receiving the PDC warning letter on November 4, 2003.

Although Mr. Rodgers distributed a postcard after receiving the October 21<sup>st</sup> letter of complaint, Mr. Rodgers did not receive the PDC warning letter concerning his sponsor identification until November 3, 2003. Given that Mr. Rodgers believed he had received prior PDC approval for his sponsor identification, and given that Mr. Rodgers did not distribute any advertisements after receiving the PDC warning letter on November 4, 2003, there is no evidence that Mr. Rodgers intentionally failed to include proper sponsor identification on the postcard mailing. Mr. Rodgers has been cautioned to adhere to the sponsor identification requirements in future election campaigns.

After a careful review of the alleged violations and relevant facts and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Pat Rodgers campaign.

If you have questions, please contact Phil Stutzman, Director of Compliance, at 360-664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Pat Rodgers